

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Hector GONZALEZ-Sermenio

Defendant.

Magistrate Case No. APR 17 10:30
08 MJ 1180

COMPLAINT FOR VIOLATION OF:

3Y:
Title 8, U.S.C., Section 1326; DEPUTY
Deported Alien Found in the
United States

The undersigned complainant, being duly sworn, states:

On or about **December 31, 2007**, within the Southern District of California, defendant, **Hector GONZALEZ-Sermenio**, an alien who previously had been excluded, deported and removed from the United States to Mexico, was found in the United States without the Attorney General of the United States, or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States, in violation of Title 8, United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT
Lisette Guzman, Deportation Officer
Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **17th** DAY OF **ARRIL, 2008**.



UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

On Monday, December 31, 2007, a United States Border Patrol agent apprehended the defendant, **Hector GONZALEZ-Sermenio**, for Illegal Entry. The defendant was later determined to be in violation of parole. The agent booked him into County jail for PC 3056, Violation of Parole, and placed a detainer on Form I-247. On April 16, 2008, the defendant was referred to the custody of United States Immigration and Customs Enforcement (ICE) at San Diego, California.

A Deportation Officer conducted a thorough review of the Alien Registration File and immigration computer databases. These checks identified the defendant as a citizen of Mexico who was previously deported or removed from the United States to Mexico. Information gathered from the Alien Registration File indicates the defendant was most recently ordered removed or deported from the United States by an Immigration Judge on November 28, 2001; and removed to Mexico the same day via the Nogales, Arizona, Port of Entry. Record checks further indicate that the defendant has not applied to the Attorney General of the United States or the Secretary of the Department of Homeland Security for permission to re-enter the United States lawfully.

The Automated Biometric Fingerprint Identification System (IDENT) was utilized and compared the defendant's fingerprints to those contained in this database. The results confirmed his identity as Hector GONZALEZ-Sermenio, a citizen and national of Mexico. A photograph and a set of fingerprints contained within the official Alien Registration File were also reviewed and compared to the defendant, further confirming his identity.

Defendant was advised of his of his Miranda rights. Defendant waived those rights and agreed to answer questions without counsel present. Defendant stated his name is Hector Gonzalez, and is a citizen of Mexico by birth in the state of Jalisco, Mexico. Defendant admitted he did not obtain a waiver to re-enter the United States. Defendant also admitted he has not applied to obtain documents nor is he in possession of documents entitling him to enter or reside in the United States. He stated he knew it was against the law to enter illegally after having been deported.